



**SIGNED this 02 day of February, 2011.**

  
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**JAMES P. SMITH**  
**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

In the Matter of: : Chapter 7

HENRY ALTON TUCKER

Debtor : Case No. 10-50322 JPS

WALTER W. KELLEY, Trustee,

Plaintiff

vs.

HENRY ALTON TUCKER and  
GRADY BOWEN, JR.,

Defendants : Adversary Proceeding  
No. 10-5109

BEFORE

**JAMES P. SMITH**  
**UNITED STATES BANKRUPTCY JUDGE**

COUNSEL:

Plaintiff: Thomas D. Lovett  
P.O. Box 1164  
2912-B North Oak Street  
Valdosta, GA 31603-1164

Defendants: Pro Se

**MEMORANDUM OPINION ON**  
**TRUSTEE'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Walter W. Kelley, Chapter 7 Trustee, filed this adversary proceeding seeking to sell certain real property located in Park County, Wyoming in which the Debtor and Grady Bowen, Jr. (“Bowen”) each had a one-half interest. Trustee filed a motion for summary judgment contending that there were no genuine issues of material fact remaining to be tried and that the Court should authorize the sale as a matter of law. Bowen filed a response to the motion in which he merely requested that sales commissions and sales costs be evenly split and that the property not be sold at a “fire sale”.<sup>1</sup>

Having reviewed the record in this case, the Court hereby adopts Trustee’s Statement of Uncontested Facts (Doc. No. 14) and finds that there are no genuine issues of material fact remaining to be tried. The Court finds that Trustee has proven all elements required under 11 U.S.C. §§ 363(h)(1)-(4). Accordingly, Trustee is entitled to judgment as a matter of law.<sup>2</sup> An order consistent with this opinion shall be entered.

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<sup>1</sup> Debtor did not file an answer to Trustee’s complaint and thus default judgment was previously entered against Debtor.

<sup>2</sup> Any objections by Bowen regarding the expenses of sale and the sales price may be raised at such time as Trustee files his motion to sell under 11 U.S.C. § 363.